


PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference C6583(C)/ijh		FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/EP01/11408	International filing date (day/month/year) 03/10/2001	Priority date (day/month/year) 11/10/2000	
International Patent Classification (IPC) or national classification and IPC B65D47/06			
Applicant UNILEVER PLC			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of 2 sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>			
Date of submission of the demand 13/03/2002		Date of completion of this report 21.01.2003	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized officer Bevilacqua, V Telephone No. +49 89 2399 7983	



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International application No. PCT/EP01/11408

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, pages:

1-18 as originally filed

Claims, No.:

2-17, 19-30 as originally filed

1, 18 as received on 14/12/2002 with letter of 09/12/2002

Claims, pages:

19, 22 as received on 14/12/2002 with letter of 09/12/2002

Drawings, sheets:

1/8-8/8 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

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- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-30
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-30
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-30
	No:	Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following document:

D1:

US-A-5 868 283 (WILSON TRACIE ET AL) 9 February 1999 (1999-02-09)

D2:

US-A-5 855 299 (ARNOLD JAY C ET AL) 5 January 1999 (1999-01-05)

D3:

US-A-5 431 306 (REID GRAHAME W) 11 July 1995 (1995-07-11)

1. Novelty and Inventive Step

Document D1, which is considered to represent the most relevant state of the art, discloses a container comprising a fitment from which :

- the subject-matter of claim 1 differs in that the first channel extends through the locking surface,
- the subject matter of claim 18 differs in that the channel included in the locking surface extends through said surface and leads from a reservoir between said fitment outer wall and said finish inner wall to the exterior of the container at the top of the bottle.

The subject-matter of independent claims 1 and 18 is therefore novel (Article 33(2) PCT).

The problem to be solved by the present invention may therefore be regarded as how to minimise the amount of the residual product left in the reservoir between the bottle body finish and fitment , once the bottle's contents have been substantially depleted.

The solution to this problem proposed in claims 1 and 18 of the present application is considered as involving an inventive step (Article 33(3) PCT) because none of the documents cited in the search report would lead the skilled man to realize a locking surface which is not liquid-tight because there is a channel extending through said locking surface .

Claims 2-17 and 19-30 are respectively dependent on claims 1 and 18 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

2. Minor defects

The features of the claims should be provided with reference signs placed in parentheses to increase the intelligibility of the claims (Rule 29(7) EPC). This applies to both the preamble and characterising portion (see the Guidelines, C-III, 4.11).

According to the Guidelines C II 4.18 the expression "the disclosure of which is incorporated by reference herein", used in the description, see page 18 lines 5-7 and 9 lines 11-12 has to be deleted.

Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D1 is not mentioned in the description, nor is this document identified therein.

CLAIMS

1. A container comprising:

- 5 (a) a fitment including
(i) an outer wall having a top and a bottom,
(ii) a bottom wall extending inwardly from the
bottom of said outer wall, and
(iii) a pour spout extending upwardly from said
10 bottom wall,
(b) a bottle base,
(c) a bottle body extending upwardly from said bottle
base to a bottle finish,
(d) said finish including an inner wall including a
15 first locking surface abutting said outer wall of
said fitment,
(e) said fitment outer wall and finish inner wall
forming a reservoir entrapping fluid product when
said container is inverted,
20 (f) said fitment outer wall including a first product
exit aperture,
characterised in that:
(g) said first finish locking surface including a ^{CS} *which extends through the locking surface and*
first channel leading from said reservoir toward
an exit from said bottle.

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2. The container according to claim 1 wherein said first
channel leads to said first product exit aperture.

3. The container according to claim 1 wherein said fitment
30 bottom wall includes a product drainage aperture.

- (a) a fitment including
- (i) an outer wall having a top and a bottom,
 - (ii) a bottom wall extending inwardly from the bottom of said outer wall, and
 - 5 (iii) a pour spout extending upwardly from said bottom wall,
- (b) a bottle base,
- (c) a bottle body extending upwardly from said bottle base to a bottle finish,
- 10 (d) said finish including at least one locking surface abutting said outer wall of said fitment,
- (e) said fitment outer wall including a first product exit aperture,
- 15 ~~exit aperture, characterized in that~~ ^{es} said finish locking surface including a channel which extends through the locking surface and ~~leading from said reservoir to the exterior of between said fitment outer wall and said finish inner wall to the exterior of~~ said container at the top of the bottle.
19. The container according to claim 18 wherein said
- 20 fitment bottom wall includes a product drainage aperture.
20. The container according to claim 18 wherein said finish locking surface is an inwardly extending locking ridge which frictionally abuts said fitment outer wall.
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21. The container according to claim 18 wherein said product exit aperture is tapered toward a top end of said outer wall.
- 30 22. The container according to claim 18 wherein said finish channel is tapered toward an upper end of said finish.